

# United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventors, We declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: ALARM MECHANISM; the specification of which is attached hereto.

We have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 (see page 3 attached).

We claim foreign priority benefits under 35 U. S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached

We claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

We claim the benefit under 35 U.S.C. § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in Title 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. or PCT Application Number	Filing Date (MM/DD/YYYY)	Patent No.

As named inventors, we appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, with full right of substitution:

Name	Registration Number	Name	Registration Number
Fogg, David N.	Reg. No. 35,138	Polglaze, Daniel J.	Reg. No. 39,801
Leffert, Thomas W.	Reg. No. 40,697	Slifer, Russell D.	Reg. No. 39,838
Lundberg, Scott V.	Reg. No. 41,958	Myrum, Tod A.	Reg. No. 42,922
Walseth, Andrew C.	Reg. No. 43,234		

Please direct all correspondence in this case to:

Fogg, Slifer & Polglaze, P.A.  
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Telephone No. (612) 252-0014  
Fax (612) 252-0019

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### Inventor No. 1

Given Name (First and Middle [if any])				Family Name or Surname			
Mark				KAPLUN			
Inventor's Signature						Date	
Residence: City	Modiin	State		Country	ISRAEL	Citizenship	ISRAEL
Post Office Address	39 Harzit Street						
City	Modiin	State		Zip		Country	ISRAEL

#### Inventor No. 2

Given Name (First and Middle [if any])				Family Name or Surname			
Amir				COHEN			
Inventor's Signature						Date	
Residence: City	Kfar Hes	State		Country	ISRAEL	Citizenship	ISRAEL
Post Office Address	P.O. 457						
City	Kfar Hes	State		Zip		Country	ISRAEL

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

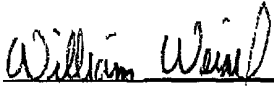
## DECLARATION OF WILLIAM WEISEL

I, William Weisel, hereby declare:

1. I am an attorney and a member of the legal department of ADC Telecommunications, Inc. ("ADC") and am presently working in Israel at ADC's subsidiary, ADC Telecommunications Israel Ltd. ("ADC Israel") (formerly known as ADC Teledata Communications Ltd. and before that as Teledata Communications Ltd.).
2. Mark Kaplun ("Kaplun") and Amir Cohen ("Cohen") are former employees of ADC Israel who were involved in the research and development of ADC Israel's products. (Kaplun and Cohen are sometimes referred to herein as the "Inventors").
3. The Inventors submitted to ADC's patent attorneys a proposal for a patent application called, "Alarm Mechanism" for a telecommunications device. Under paragraphs 14.2 and 14.3 of the employment agreements signed by Cohen and Kaplun dated September 27, 1998 and May 6, 1998, respectively, all inventions and ideas discovered by the Inventors during the term of their employment with ADC Israel in connection with such employment are deemed to be ADC Israel's property. Further, under the employment agreement, the Inventors are also required to undertake to do everything required of them by ADC Israel for the purpose of obtaining protection for the inventions and/or ideas anywhere in the world, for the company's benefit, and to sign any document required for such purpose. Copies of the translated (from Hebrew) employment contracts are attached hereto as Exhibits A and B, respectively.
4. The Inventors both resigned from ADC Israel soon after submitting the invention disclosure.
5. On or about May 2, 2000 I received from ADC's patent attorneys a first draft of the patent application for the above proposed patent and immediately forwarded it to the Inventors.
6. On May 4, 2000, I received an email from Cohen indicating that he had discussed the matter with Kaplun and that they were unwilling to cooperate further with the preparation or signing of the patent application.
7. On July 25, 2000 I sent another email to the Inventors and requested again that they cooperate with ADC regarding the patent process. I informed them that if they did not respond we would request that ADC be allowed to file the patent application without their consent or signature. I received no response from either Inventor.
8. On September 6, 2000 I sent registered letters to both Inventors informing them that as a result of their failure to respond to my requests, ADC would be proceeding with the filing of the patent application without their signatures. To date I have not received any response. A copy of the registered letter (sent to both Inventors) is attached hereto as Exhibit C.
9. ADC Israel will be harmed by not being able to file this patent application since the Inventors have left the employ of ADC Israel and have begun employment in other hi-

tech companies in the area, and the invention is to be put into ADC Israel's product in the near future.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
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William Weisel  
February 13, 2001